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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1.   This communication is in response to request for continued examination (RCE) under 37 C.F.R. 1.114 filed 06/05/04, claims 26-43 have been examined.

2.   Regarding rejection under 35 U.S.C. §112 first paragraph, specifically, regarding the claimed clause: "a subject index nested within said verb index, and a provider index nested within said subject index". An explicit definition has been provided by the applicant for a term "nested", that definition will control interpretation of the term as it is used in the claim, thereby, rejection is withdrawn. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings.") see M.P.E.P. §2106 and 2111.01. The term nested meaning a subroutine within another subroutine or a set of data within another set of data.

3.   Withdrawal of the claim clause "without accessing a remote search engine", to comply with the requirements of 35 U.S.C. 112, second paragraph is noted.

Claim rejection under 103

4.   Claims 26-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubenstein et. al. (Rubenstein hereafter) U.S. Patent No. 5,913,215 in view of Osaku et. al. (Osaku hereafter) U.S. Patent No. 6,061,738.

Regarding claim 32,

    a software ("software package") (col 2/lines 58-61) including an user interface within an application program (col 18/lines 55-col 19/lines 29) and including said software package including a information ("network content index") having a verb ("verb index"), subject

("subject index") (Fig. 2, words 206 in index 205) and destination ("provider") (Rubenstein, col 2/lines 28-43, 63-67, words/phrases, including URLs, col 12/lines 45-66);

a hierarchical organization that includes a verb index, a subject index nested within said verb index, and a provider index nested within said subject index (col 12/line 65-col 13/line 64);

said software package for facilitating client side construction of a navigation sentence of pre-configured sentence parts (Rubenstein, abstract, sentence parts, col 2/lines 28-67) through the selection of a word ("verb") from an index (Fig. 2, words 206 in index pane, 205, Fig. 12, "order", or "obtain"), a word ("subject") from an index (Fig. 2, words 206 in index pane, 205, Fig. 12, "news") and a destination (" provider") thereby designating a destination (col 12/lines 45-66, Fig. 6, e.g. web site address 610),

wherein network content is retrieved from said destination based on said navigation sentence and a network navigation destination instruction (Rubenstein, col 4/lines 19-23, 27-31, Url); however Rubenstein does not explicitly teach where a said software package is downloaded to a client data processing system,

Osaku teaches a communication data/access retrieval system/method for accessing information via a network navigation instruction (URL), teaching means for accessing a network location to receive and download a software package (col 24/lines 48-col 25/line 1) at the client processing system thereby running thereon.

It would have been obvious to one ordinary skilled in the art at the time the invention was made to utilize Osaku's teachings for downloading a software package to the client data processing system for facilitating and providing said sentence parts for facilitating the construction of a navigation sentence as taught by Osaku, and further applied to such hierarchical structures for user selection of records from such structures, such as electronic file storage directory structures, including hypertext pages on a Web sites, well know in the art[1], motivation would to download said software package to the client data processing system, along with the archive catalog Rubenstein suggest can be obtained from a remote web sites.

Regarding claim 26, Rubenstein teaches features of the invention substantially as claimed, teaching a system/method including:

a server computer ("server data processing system") having a database storing a information ("network content index") (col 2/lines 28-33, 52-55) having a data structure (col 14/lines 27-40); and

a client computer (400 of Fig. 4)("client data processing system") communicatively connected to said server data processing system (col 9/lines 29-col 10/line 15) via a network ("electronic data network") (col 9/lines 65-67) and configured a program to access said server data processing system to load said network content index into a local storage facility (col 14/lines 34-40),

said program to facilitate construction of a navigation sentence of sentence parts (Rubenstein: abstract, sentence parts col 2/lines 28-67) via user selection of a word ("verb") from an arrangement or record (i.e. index) (Fig. 2, words 206 in index pane, 205, Fig. 12, "order"), selection of a word ("subject") an arrangement or record (index) (Fig. 2, words 206 in index pane, 205, Fig. 12, "news"), and selection of a destination ("provider") from an arrangement or record ("index") (col 12/lines 45-66, Fig. 6, e.g. web site address 610),

wherein said client data processing system retrieves network content based on said navigation sentence and said destination thereof (Rubenstein, col 4/lines 19-23, 27-31, Url).

Regarding claim 27, wherein said client data-processing system retrieves said network content via a WWW site (Rubinstein, abstract) and said electronic data network (Rubenstein, col 9/lines 65-67).

Regarding claim 28, wherein said destination includes a link to content accessible via said electronic data network, said at least one program further configured to traverse said link (Rubenstein, col 14/lines 27-40).

Regarding claim 29, wherein said link is a uniform resource locator (URL) (Rubenstein, col 14/lines 27-40, 47-56).

Regarding claim 30, wherein the selection of said verb, subject, and said provider is realized via pull-down dialogs within a graphical user interface provided within said client data processing system (Rubenstein, col 5/lines 31-43, Figs. 2-3, 5-7 and 10-15).

Regarding claim 31, wherein said graphical user interface is provided with a WWW site review window (Rubenstein, col 4/lines 19-31) of a running WWW browser package (Rubenstein, col 14/lines 47-56).

Regarding 33, said navigation instruction is a (URL) (Rubenstein, col 4/lines 19-31).

Regarding claim 34, wherein selection of said pre-configured sentence parts is realized via pull-down dialogs within a graphical user interface provided within a client data processing system (Rubenstein: e.g. Figs 2-3, 5-7 and 10-15, col 5/lines 31-43).

Regarding claim 35, wherein said graphical user interface is provided with a WWW site review window (Rubenstein, col 4/lines 19-31) of a running WWW browser software package (Rubenstein, col 14/lines 47-56).

Regarding claim 36,

downloading a software package (Osaka: col 24/lines 48-col 25/line 1) having a searchable network content index from an accessed network to a local computer, (Rubenstein, abstract, col 2/lines 28, col 12/lines 45-66, searchable web pages, abstract) said searchable network content index having a data structure (e.g. web sites databases, abstract, pages, col 1/lines 55-60);

said software package providing a user with a verb menu listing said verb index for selecting a verb from said verb index in said subject index (Rubenstein: Fig. 2, words 206 in index pane, 205, Fig. 12, "order", or "obtain");

said software package providing a user with a subject menu listing a portion of said subject index corresponding to said verb for selecting a subject from an index ("subject index") (Rubenstein: Fig. 2, words 206 in index pane, 205, Fig. 12, "news");

said software package providing a user with a provider in menu listing a portion o f said provider index corresponding to said subject for selecting a provider from said provider index (Rubenstein: col 12/lines 45-66, Fig. 6, e.g. web site address 610), and accessing a destination instruction via an Internet address (URL) that uniquely corresponds to said provider (Rubenstein: col 12/lines 45-66, Fig. 6, e.g. web site address 610).

Regarding claim 37, wherein accessing said network is initiated within a client-side system running in accordance with a WWW browser software application (Rubenstein, col 9/lines 65-col 10/line 2).

Regarding claim 38, wherein downloading said software package network is initiated within a client-side system running in accordance with a WWW browser software application (Osaka: col 24/lines 48-col 25/line 1).

Regarding claim 39, wherein said destination instruction is a URL, (Rubenstein, col 4/lines 19-31).

Regarding claim 40, this claim comprises limitations that are substantially the same as those in claims 26, 32, 36, same rationale of rejection is applicable.

Regarding claims 41-43, theses claims are substantially the same as those on claims 37-39, respectively same rationale of rejection is applicable.

Pertinent Prior Art:

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; pertinence is presented in accordance with to MPEP§ 707.05. Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

US 5,467,471 Maintaining databases by means of hierarchical genealogical table
        Databases of information may be maintained on a computer in a variety of ways to facilitate searching and retrieval of particular data or information records. A database maintained with a hierarchical or "tree" structure-- having at least one record as the "root" and other records as "branches" connected to the root--is an intuitive way for people to deal with data records. A hierarchical database can be analogous to nested folders of information.

US 5,797,136 Optional quantifiers in relational and object-oriented views of database systems
        In context of an object-oriented framework having hierarchical structures, one of the particularities of object-oriented databases is nested sets.

US 5,970,490 Integration platform for heterogeneous databases
        The logical structure described for the Metadata repository is hierarchical, which could be naturally implemented in a "nested relational" database or an object database, as well as in other databases.

US 6,006,214 Database management for providing query rewrite transformations for nested set elimination in
                        database views
        In the field of processing database queries in database management systems (DBMSs) including relational, hierarchical, and object-oriented DBMSs, and more specifically to query rewrite transformation techniques for a certain class of queries that unnest a nested collection of objects in a database system.

US 5,899,998
        A data structure encapsulating data for storing information independent of said distributed databases, said data structure defining a nested, hierarchical relationship such that said field objects are encapsulated within said record objects and wherein said record objects encapsulated within said
update object.

US 6,470,477
        The computer readable media comprises programming instructions for providing the integrated circuit design wherein the integrated circuit design is defined by a hierarchical layout database of multiple cells. The programming instructions identify a top cell and sub cells nested from the top cell in the hierarchical layout database. The programming instructions also descend to a lowest sub cell of the top cell and process physical data of the features selected by the user to conform the physical features to the uniform micron technology in the lowest sub cell.

US 5,822,747 System and method for optimizing database queries
        A system/method for optimizing a database query , wherein the system consists of a search engine and a database implementor that determines an optimal plan for executing a SQL query. The SQL query is represented as a query tree consisting of a number of nested expressions. The expression tree consists of one or more levels, each level containing nodes that are inputs to a node of a preceding level including a logical set of instructions.

Response to Arguments

6.   Regarding claim 26, 32, 36 and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Rubenstein in view of Osaku, it is argued the prior art Rubenstein nor Osaku teach claim limitation as recited, specifically, a hierarchical organization that includes a verb index, a subject index nested within said verb index, and a provider index nested within said subject index.

In response to the above-mentioned argument, Rubenstein teaches:

Regarding the archive catalog containing data (610) are organized in a hierarchical fashion. In a manner similar to the conventional hierarchical organization of documents or files within folders or directories, the present invention displays a hierarchical organization of web pages within web sites (col 12/line 65-col 13/line 6).

Referring now to FIG. 7, the present invention also includes a concept editor. The concept editor is used to create a hierarchy in the specification of search terms or key words and key phrases, a set of related key words or key phrases may be grouped together under a single concept identifier, which then be used to specify a search for any of the related key words or key phrases that the concept identifier represents (col 13/lines 7-15);

Concept identifiers may also be hierarchically created. A previously created concept identifier may be dragged and dropped into the specification area 715 of a subsequently created concept identifier. In this manner, the specification of a concept identifier may include other concept identifiers. Other key words, key phrases, or concept identifiers may be dragged and dropped in to area 715 as well. Concept identifiers may thereafter be dragged and dropped into search pane 240. Thus, a very complex and hierarchical query structure may be created using the concept editor of the present invention (col 13/lines 51-64).

Arguments that the prior art does not teach a hierarchical organization that includes a verb index, a subject index nested (i.e. "a subroutine within another subroutine or a set of data within another set of data") within said verb index, and a provider index nested ("a subroutine within another subroutine or a set of data within another set of data") within said subject index, are not persuasive.

7.   Applicant's argument filed 12/08/04 have been fully considered but not found persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained fro the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

> Commissioner of Patents and Trademarks
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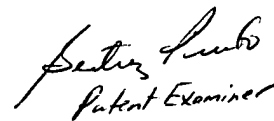or faxed to the Central Fax Office:

> (703) 872-9306, for Official communications and entry;

Or Telephone:

> (703) 306-5631 for TC 2100 Customer Service Office.

B. Prieto
TC 2100
Patent Examiner
February 1, 2005